

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

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SHAH Z. KHAN,)	Case No. 2:07CV00008 DS
Plaintiff,)	
vs.)	
		MEMORANDUM DECISION
		AND ORDER
ALBERTO R GONZALES ET AL.,)	
Defendants.)	

* * * * *

Defendants have moved to dismiss this matter pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.¹ No timely response has been filed by Plaintiff.

Having considered the matter and being informed of the relevant facts and law, Defendants' Motion to Dismiss is granted for generally the same reasons set forth by them in their supporting memorandum in that the Court lacks jurisdiction and Plaintiff has failed to state a claim upon which relief can be granted.

¹Although matters outside the pleadings are presented, they are excluded by the court and, therefore, the motion will not be treated as one for summary judgment as proved in Rule 56.

Accordingly, it is ordered that Mr. Khan's case be dismissed.²

DATED this 19th day of June, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam", is written over a horizontal line.

DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT

²Plaintiff's Motion for Entry of Default and Defendants' Motion to Strike are viewed by the Court as being moot and are denied as such.